

AMENDED
NOTICE OF MEETING

COMMITTEE: PLANNING & DEVELOPMENT
DATE: APRIL 6, 2017
PLACE: ONEIDA COUNTY COURTHOUSE – COUNTY BOARD ROOM
TIME: 1:00 P.M. REGULAR MEETING
2:00 P.M. PUBLIC HEARING

ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION / DECISION

1. Call to order.
2. Approve the agenda.
3. Public comments.
4. Approve meeting minutes of February 27, March 1, March 2, March 15, 2017.
5. The conveyance of Lot 17 of the unrecorded plat of Wilderness Estates, Jeffery and Karen Woods, owners, being Parcel A of survey map #B7496, further described as part of the SW NW & SE NW, Section 17, T39N, R6E, located at 10493 Denali Drive, PIN MI 2241, Town of Minocqua.
6. Discuss Chapter 20, Oneida County Floodplain Zoning Ordinance. Staff will be discussing the past and current floodplain policy and will be requesting permission to engage Wisconsin DNR and local elected officials to seek changes to Wisconsin DNR floodplain policy.
7. Discuss OA #1-2017, revisions to Chapter 9, Article 9 and 10 as proposed during the March 22, 2017 meeting.
8. Discuss public hearing date for shoreland zoning revision.
9. Refunds.
10. Line item transfers, purchase orders, and bills.
11. Approve future meeting dates: April 19 and May 3, 2017.
12. Public comments.
13. Future agenda items.

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

14. **Conditional Use Permit** application by Donald Sedlak Trust to open a pet day care, retail pet products sales, grooming, pet training facility, along with a physical rehab area and pool for recovering dogs to be located in an existing building on the following described property: part of Gov't Lot 8, n/k/a Lot 1 CSM V8 P2142, SM B7887, Section 14, T39N, R6E, 9586 Clawson Drive, PIN MI 2208-7, Town of Minocqua.
15. **Conditional Use Permit** application by Randall McQuade, proposed buyer, Minocqua Land Investment, LLC, owner, to open a retail sales location to include outdoor display of Badger Docks & Lifts and storage shed for sale on the following described properties: part of the SW ¼ of the NE ¼,

Lots 1-3 CSM V2 P400, Section 10, T39N, R6E, 8680 Southridge Way and 9855 Hwy 70, PINs MI 2156-9 and MI 2156-10, Town of Minocqua.

16. **Conditional Use Permit** application by David Steinle, owner, to add outdoor display and storage area on the following described property: part of Gov't Lot 1, Gov't Lot 2, CSM V14 P3354, Section 8, T39N, R6E, 8635 Camp Pinemere Road and Hwy 70, PIN MI 2135-9, Town of Minocqua.

17. **Ordinance Amendment #2-2017** authored by the Planning and Development Committee to amend Section 9.70, Highway Setbacks, of the Oneida County Zoning and Shoreland Protection Ordinance as follows:

Additions noted by underline; Deletions noted by ~~striketrough~~.

9.70 HIGHWAY SETBACKS (#29-2001, #77-2003)

B. ~~Prohibition Against Locating in Setback~~ EXEMPTIONS

The following structures are exempt from the twenty (20) foot setback to the documented right-of-way of public highways, as specified in 9.70(A)(1).

1. ~~No building, mobile home, structure or part thereof shall be located within a setback area. Provided, however, that this prohibition shall not apply to lines, poles and towers for telephone and power transmission, freestanding directional arrow signs, open fences, or driveways connecting to a public road.~~
1. Public utilities
2. Awnings at least eight (8) feet above the ground or two (2) feet back from the traveled portion of a town, county, state or federal highway shall be permitted in areas zoned Business B-1 or Business B-2 if the agency or municipality holding the highway setback and the town in which the proposed awning is to be located consent. The holder of the highway right-of-way shall be required to provide written consent to the owner of the awning. The awning shall contain no sign or advertisement or obstruct the traffic view.
3. Driveway entrance gates, columns, walls, landscaping structures/designs, and retaining walls provided such structures/designs don't obstruct vision for vehicular traffic entering a public highway.
4. On-premise signs pursuant to section 9.78. Off-premise signs are required to meet the twenty (20) foot setback to the right-of-way of public highways.
5. Open fences pursuant to section 9.74(E).
6. Driveway connecting to a public highway.

18. **Ordinance Amendment #3-2017** authored by the Planning and Development Committee to amend Section 9.26, Business B-1 and B-2 (Districts 6 and 7), of the Oneida County Zoning and Shoreland Protection Ordinance as follows:

Additions noted by underline; Deletions noted by ~~striketrough~~.

9.26 BUSINESS B-1 (DISTRICT 6) AND BUSINESS B-2 (DISTRICT 7)
(#19-2001,83-2003,1-2005 & 28-2005,11-2008, 7-2009, 4-2011)

9.26 A(1) and A(2) remain unchanged

A. BUSINESS B-1 (DISTRICT 6)

3. Administrative Review Uses

- e. a. All administrative review uses of District 3 Multiple Family Residential
- a. b. Any new retail business that does not have a drive-through or drive-in component and does not have any outdoor operations (other than customer or employee parking)
- b. c. Any new office, professional and service establishment customary in a business district that does not have a drive-through or drive-in component and does not have any outdoor operations (other than customer or employee parking)
- d. Multi-tenant use involving an existing building with 4 units or less
- e. Churches, schools, libraries, community buildings and museums

4. Conditional Uses

- a. All the conditional uses of District 3 Multiple Family Residential
- a. b. Any new amusement enterprise such as theaters, bowling and amusement parlors, that do not have a drive-through or drive-in component and do not have any outdoor operations (other than customer or employee parking)
- b. c. Any retail business, office, professional or service establishment that involves a drive-through or drive-in component or has any outdoor operations (other than customer or employee parking)
- c. d. Mall and multi-tenant buildings
- d. e. Hotels, motels, and resorts (with 5 or more units)
- e. f. Any permitted use or administrative review use in this district, which is located on property adjacent to or across the street from a residential district
- f. g. Dog kennel and/or cat boarding facilities
- g. h. Animal shelters, as defined in Wis. Stats. 173.40(c)
- h. i. Wildlife rehabilitation centers pursuant to Wis. Administrative Code NR19 or facilities subject to a federal permit
- i. j. Veterinary clinics or animal hospitals
- j. k. Communication structures located on existing government structures, or on existing sanitary district owned facilities
- k. l. Co-location on a legal pre-existing communication structure
- l. m. Multi-tenant use involving an existing building with 5 units or more
- n. Helicopter landing pads associated with/licensed with hospitals

19.

20. Adjourn.

NOTICE OF POSTING

TIME: 10:30 AM ~ DATE: APRIL 4, 2017 ~ PLACE: COURTHOUSE BULLETIN BOARD

SCOTT HOLEWINSKI, COMMITTEE CHAIRMAN

Notice posted by the Planning & Zoning Department. Additional information on a specific agenda item may be obtained by contacting the person who posted this notice at 715-369-6130.

NEWS MEDIA NOTIFIED VIA E-MAIL AND/OR FAX – DATE: April 4, 2017 TIME: Approx. 10:30 a.m.

Northwoods River News	WHDG Radio Station
Lakeland Times	WJFW-TV 12
Star Journal	Vilas County News
WXPR Public Radio	Tomahawk Leader
WERL/WRJO Radio	WLSL

Notice is hereby further given that pursuant to the Americans with Disabilities Act reasonable accommodations will be provided for qualified individuals with disabilities upon request. Please call Tracy Hartman at 715-369-6144 with specific information on your request allowing adequate time to respond to your request.

See reverse side of this notice for compliance checklist with the Wisconsin Open Meeting Law.

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GENERAL REQUIREMENTS:

- 1. Must be held in a location which is reasonably accessible to the public.
- 2. Must be open to all members of the public unless the law specifically provides otherwise.

NOTICE REQUIREMENTS:

- 1. In addition to any requirements set forth below, notice must also be in compliance with any other specific statute.
- 2. Chief presiding officer or his/her designee must give notice to the official newspaper and to any members of the news media likely to give notice to the public.

MANNER OF NOTICE:

Date, time, place and subject matter, including subject matter to be considered in a closed session, must be provided in a manner and form reasonably likely to apprise members of the public and news media.

TIME FOR NOTICE:

- 1. Normally, a minimum of 24 hours prior to the commencement of the meeting.
- 2. No less than 2 hours prior to the meeting if the presiding officer establishes there is good cause that such notice is impossible or impractical.
- 3. Separate notice for each meeting of the governmental body must be given.

EXEMPTIONS FOR COMMITTEES & SUBUNITS

Legally constituted sub-units of a parent governmental body may conduct a meeting during the recess or immediately after the lawful setting to act or deliberate upon the subject which was the subject of the meeting, provided the presiding officer publicly announces the time, place and subject matter of the sub-unit meeting in advance of the meeting of the parent governmental body.

PROCEDURE FOR GOING INTO CLOSED SESSION:

- 1. Motion must be made, seconded and carried by roll call majority vote and recorded in the minutes.
- 2. If motion is carried, chief presiding officer must advise those attending the meeting of the nature of the business to be conducted in the closed session, and the specific statutory exemption under which the closed session is authorized.

SYNOPSIS OF STATUTORY EXEMPTIONS UNDER WHICH CLOSED SESSIONS ARE PERMITTED:

- 1. Concerning a case which was the subject of Judicial or quasi-judicial

trial before this governmental body

- 2. Considering dismissal, demotion or discipline of any public employee or the investigation of charges against such person and the taking of formal action on any such matter; provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action is taken. The person under consideration must be advised of his/her right that the evidentiary hearing be held in open session and the notice of the meeting must state the same. Sec. 19.85(1)(b).
- 3. Considering employment, promotion, compensation or performance evaluation data of any public employee over which this body has jurisdiction or responsibility. Sec. 19.85(1)(c).
- 4. Considering strategy for crime detection or prevention. Sec. 19.85(1)(d).
- 5. Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Sec. 19.85(1)(e).
- 6. Considering financial, medical, social or personal histories or disciplinary data of specific person, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public, would likely have a substantial adverse effect on the reputation of the person referred to in such data. Sec. 19.85(1)(f), except where paragraph 2 applies.
- 7. Conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. Sec. 19.85(1)(g).
- 8. Considering a request for advice from any applicable ethics board. Sec. 19.85(1)(h).

PLEASE REFER TO CURRENT STATUTE SECTION 19.85 FOR FULL TEXT CLOSED SESSION RESTRICTIONS:

- 1. Must convene in open session before going into closed session.
- 2. May not convene in open session, then convene in closed session and thereafter reconvene in open session within twelve hours unless proper notice of this sequence was given at the same time and in the same manner as the original open meeting.
- 3. Final approval or ratification of a collective bargaining agreement

may not be given in closed session.

- 4. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session.
- 5. In order for a meeting to be closed under Section 19.85(1)(f) at least one committee member would have to have actual knowledge of information which he or she reasonably believes would be likely to have a substantial adverse effect upon the reputation involved and there must be a probability that such information would be divulged. Thereafter, only that portion of the meeting where such information would be discussed can be closed. The balance of that agenda item must be held in open session.

BALLOTS, VOTES AND RECORDS:

- 1. Secret ballot is not permitted except for the election of officers of the body or unless otherwise permitted by specific statutes.
- 2. Except as permitted above, any member may require that the vote of each member be ascertained and recorded.
- 3. Motions and roll call votes must be preserved in the record and be available for public inspection.

USE OF RECORDING EQUIPMENT:

The meeting may be recorded, filmed, or photographed, provided that it does not interfere with the conduct of the meeting or the rights of the participants.

LEGAL INTERPRETATION:

- 1. The Wisconsin Attorney General will give advice concerning the applicability or clarification of the Open Meeting Law upon request.
- 2. The municipal attorney will give advice concerning the applicability or clarification of the Open Meeting Law upon request.

PENALTY:

Upon conviction, any member of a governmental body who knowingly attends a meeting held in violation of Subchapter IV, Chapter 19, Wisconsin Statutes, or who otherwise violates the said law shall be subject to forfeiture of not less than \$25.00 nor more than \$300.00 for each violation.

Prepared by Oneida County Corporation Counsel Office - 5/16/96